

Serial Number: 09/941,832

REMARKS

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 1-32 and 34-57 are pending. Claims 8-28 and 34-57 have been withdrawn from consideration; claim 33 is canceled; and claim 29 is amended. No new matter is added.

The objection to the specification at page 16, line 5 has been obviated by the above amendment to the specification.

The Office Action has indicated that Figures 1-3 are objected to under MPEP § 608.02(g) because the drawings are not designated by a legend such as 'Prior Art.' The objection to the drawings has been obviated by adding the legend "Prior Art" to Figures 1 and 2 and is respectfully traversed with respect to Figure 3.

Figures 1 and 2 have been amended as suggested by the Examiner in the attached redlined copies of Figures 1 and 2 as amended. Applicant hereby requests that Figures 1 and 2 as amended be approved and the attached substitute drawing sheet including Figures 1 and 2 as amended be approved and substituted for Figures 1 and 2 as filed.

With respect to Figure 3, Applicant notes that this Figure depicts a device shown and described in U.S. Patent Application No. 09/635,102, which is currently still pending and is currently unpublished. Therefore, the device depicted in Figure 3 appears to be unavailable as prior art with respect to the current application at the present time and it would be improper to label Figure 3 as "Prior Art."

Claims 1-4, 7 and 29-33 stand rejected under U.S.C. § 102(e) as being anticipated by Poplawski, *et al.* U.S. Patent No. 6,267,606. This rejection is

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respectfully traversed with respect to the claims as currently presented.

With respect to claim 1, claim 1 claims a multi-optical receptacle assembly comprising at least two optical receptacles wherein there is a ***shared wall*** between adjacent optical receptacles (emphasis added). In contrast, Poplawski, *et al.* does not describe or show a shared wall between two optical receptacles. Contrary to what is stated in the Office Action at page 3, in Poplawski *et al.*, there is not a shared wall between transceivers 532 and 534, because there is space between transceivers 532 and 534 as mounted in the mounting panel. Note for instance the piece of the mounting panel that separates the transceivers. In contrast, the “shared wall” claimed by claim 1 is either an abutting shared wall, such as the abutting shared wall 442 of FIG. 4 that consists of two abutting walls 444 and 446 or a unitary shared wall, such as the shared wall 542 of Fig. 5 (See application, p. 7 for a definition of the term “shared wall”). Therefore, Poplawski, *et al.* does not teach or suggest using a shared wall between adjacent optical receptacles as claimed by claim 1, and, therefore, claim 1 is patentable over Poplawski, *et al.*

In addition, the Office Action is incorrect in stating that Poplawski *et al.* shows four optical receptacles, more than four optical receptacles, a unitary shared wall, and unitary construction. For example, the Office Action asserts that Figure 14 of Poplawski *et al.* shows four optical receptacles, despite the fact that Figure 14 shows just two transceivers, and, therefore, only 4 ports. However, as defined in the present application, the term “optical receptacle” ***refers to a device comprising at least two ports*** (emphasis added). Therefore, a device having four optical receptacles would have 8 ports, not the four ports shown in Figure 14 of Poplawski, *et al.*

Claims 2-4 and 7 depend directly from claim 1, and, accordingly, include all of the patentable features of claim 1 as well as other patentable features. Therefore,

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claims 2-4 and 7 are patentable over Poplawski, *et al.* for at least the reasons discussed above with respect to claim 1.

With respect to claim 29, claim 29, as currently presented, claims a multi-optical receptacle assembly comprising ***at least two optical receptacles*** and having a ***unibody construction*** (emphasis added). However, the Office Action has cited no features or combination of features in Poplawski, *et al.* that teach or suggest a multi-optical receptacle assembly comprising at least two optical receptacles and having a unibody construction as claimed by claim 29. Furthermore, contrary to what is stated in the Office Action at page 3, Poplawski, *et al.* does not teach or suggest a multi-optical receptacle assembly comprising at least two optical receptacles and having a unibody construction as claimed by claim 29, and, therefore, claim 29, as amended, is patentable over Poplawski, *et al.*

With respect to claims 30-32, claims 30-32 depend directly from claim 29, and, accordingly, include all of the patentable features of claim 29 as well as other patentable features. Therefore, claims 30-32 are patentable over Poplawski *et al.* for at least the reasons discussed above with respect to claim 29.

With respect to claim 33, the rejection of claim 33 under 35 U.S.C. § 102(e) based on Poplawski, *et al.* has been rendered moot by the cancellation of claim 33.

Furthermore, with respect to claims 1-4, 7 and 29-32, the rejection of claims 1-4, 7 and 29-32 under 35 U.S.C. § 102(e) as being anticipated by Poplawski, *et al.* is improper because the rejection under 35 U.S.C. § 102(e) set forth in the Final Action on its face did not and could not meet the requirements of § 102(e). The requirement of 35 U.S.C. § 102(e) is, as stated in the Manual of Patent Examining Procedure (MPEP), **“TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM.”** (MPEP § 2131 (8th ed. 2001)) (emphasis

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in original); see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990) (“For a prior art reference to anticipate in terms of 35 U.S.C. § 102(b), every element of the claimed invention must be identically shown in a single reference.”) (quoting *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 U.S.P.Q.2d (BNA) 1315, 1317 (Fed. Cir. 1988)).

The ground for rejection for claims 1-4, 7 and 29-32 set forth in the Office Action is as follows:

Poplawski et al discloses two optical receptacles for two respective transceivers (532,534) having a shared wall, connecting means (see figure 14), four optical receptacles (see figure 14), more than four optical receptacle (see figure 8), unitary shared wall, mounting means, unitary construction (see Office Action, p.3).

The only assertion in the above ground of rejection referencing any particular element of Poplawski, *et al.* as allegedly showing or describing an element of Applicants' claims is the reference to transceivers 532 and 534 having a shared wall, which, as pointed out in the discussion above, is an incorrect assertion. Therefore, the ground of rejection is a conclusory statement, and conclusory statements are insufficient to establish a *prima facie* case of rejection, see *In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002).

For the above reasons, the rejection of claims 1-4, 7 and 29-32 under 35 U.S.C. § 102(e) based on Poplawski, *et al.* is *prima facie* improper and should be withdrawn.

Claims 5 and 6 stand rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,267,606 to Poplawski, *et al.*. This rejection is respectfully traversed with respect to the claims as currently presented.

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With respect to claims 5 and 6, claims 5 and 6 depend from claim 1, either directly or indirectly, and, accordingly, include all of the patentable features of claim 1 as well as other patentable features. Therefore, claims 5 and 6 are patentable over Poplawski, *et al.* for at least the reasons discussed above with respect to claim 1.

In addition, with respect to claims 1-7 and 29-32, these claims have been rejected on the basis of facts within the personal knowledge of the Examiner. The ground for rejection of claims 1-4, 7 and 29-32, which is also part of the ground for rejecting claims 5 and 6, set forth in the Office Action is as follows:

Poplawski et al discloses two optical receptacles for two respective transceivers (532,534) having a shared wall, connecting means (see figure 14), four optical receptacles (see figure 14), more than four optical receptacle (see figure 8), unitary shared wall, mounting means, unitary construction (see Office Action, p.3).

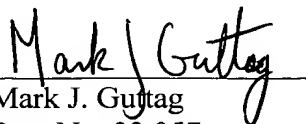
The only assertion in the above grounds of rejection referencing any particular element of Poplawski, *et al.* as allegedly showing or describing an element of Applicants' claims is the reference to transceivers 532 and 534 having a shared wall, which, as pointed out in the discussion above, is an incorrect assertion. Therefore, the ground of rejection set forth in the Office Action is a conclusory statement unsupported by any cited reference and is based only on facts within the personal knowledge of the Examiner. Accordingly, under 37 C.F.R. § 1.104(d)(2), Applicants hereby request that the Examiner provide an affidavit supporting the Examiner's assertion used as a basis for this rejection.

If the Examiner has any questions or concerns regarding the present response, the Examiner is invited to contact Mark J. Guttag at 703-591-2664.

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In view of the foregoing, it is respectfully submitted that this application is in condition for allowance, and favorable action is respectfully solicited.

Respectfully submitted,


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December 5, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

YUNKER, *et al.*)

Serial Number: 09/941,832)

Filed: August 30, 2001)

For: OPTICAL RECEPTACLE, TRANSCEIVER)
AND CAGE)

Examiner: NASRI, Javaid H.

Art Unit: 2839

Docket No.: PICO0034-1

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Sir:

Below are the amendments in the accompanying Amendment for the above-identified application shown in redlined format:

IN THE SPECIFICATION:

Please amend the Specification, without prejudice or disclaimer, as indicated below:

Please delete the paragraph at page 4, line 21 to line 22 and substitute therefor the following paragraph:

FIG. 1 illustrates in simplified form a conventional SFF MSA transceivers mounted in a chassis panel;

Please delete the paragraph at page 4, line 24 to line 25 and substitute therefor the following paragraph:

FIG. 2 illustrates in simplified form a conventional SFP MSA transceivers mounted in a chassis panel;

Please delete the paragraph at page 16, line 4 to line 9 and substitute therefor the following paragraph:

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As can be seen in FIG. 9, through the use of multiple optical receptacles having no separating walls, the multi-transceiver assembly of has a collective width that is considerably less than three conventional transceivers would have when mounted in a chassis panel. Because the multi-optical receptacle assembly may have a unibody construction, the multi-optical receptacle assembly may be molded in one piece from plastic or cast from another suitable material.

IN THE CLAIMS

Please cancel claim 33 without prejudice or disclaimer.

Please amend the claims, without prejudice or disclaimer, as indicated below:

1. A multi-optical receptacle assembly comprising at least two optical receptacles for at least two respective transceivers, said at least two optical receptacles having a shared wall between adjacent optical receptacles of said at least two optical receptacles.
2. The multi-optical receptacle assembly of claim 1, wherein said multi-optical receptacle assembly comprises two optical receptacles.
3. The multi-optical receptacle assembly of claim 1, wherein said multi-optical receptacle assembly comprises four optical receptacles.
4. The multi-optical receptacle assembly of claim 1, wherein said multi-optical receptacle assembly comprises more than four optical receptacles.
5. The multi-optical receptacle assembly of claim 1, wherein said shared wall has a thickness of 0.001 inch to 0.15 inch.
6. The multi-optical receptacle assembly of claim 5, wherein said shared wall comprises a unitary shared wall.

7. The multi-optical receptacle assembly of claim 1, wherein said shared wall comprises a unitary shared wall.

29. (Amended) A multi-optical receptacle assembly comprising:

at least two optical receptacles for at least two transceivers;

a connecting means that connect together said at least two optical receptacles;

and

a mounting means for mounting said multiple-optical receptacle assembly in a housing, wherein said multi-optical receptacle assembly has a unibody construction.

30. The multi-optical receptacle assembly of claim 29, wherein said at least two optical receptacles comprise two optical receptacles.

31. The multi-optical receptacle assembly of claim 29, wherein said at least two optical receptacles comprise four optical receptacles.

32. The multi-optical receptacle assembly of claim 29, wherein said at least two optical receptacles comprise more than four optical receptacles.